

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

ARI TEMAN,

Defendant.

19 Cr. 696 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received an emergency letter from counsel for defendant Ari Teman, reporting that Teman is reporting severe testicular pain that Teman reports has not been satisfactorily attended to by medical personnel at the Bureau of Prisons (“BOP”) and that Teman, despite complaints about this dire condition, has not been seen by a specialist. *See* Dkt. 424; *see also* Dkt. 424-1 (letter from Teman); Dkt. 424-2 (emails among Teman’s family and outside doctor). Teman seeks a court order directing the BOP to temporarily release him forthwith so that he can go to the emergency room at Mount Sinai Hospital in Miami Beach for evaluation and treatment. *See* Dkt. 424.

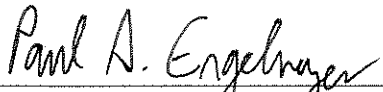
**The Court’s strongly held view is that the request that Teman be temporarily released today to obtain urgent specialized medical care in an outside medical facility is justified and reasonable.** The Court’s assessment is that Teman is not a risk of flight or danger to the community, and that his release subject to the direction that he return to FCI Miami by a time or date certain set by the BOP would not pose such risks. The Court itself, however, unlike the BOP, does not have the legal authority to order a defendant’s temporary release from BOP

custody, for medical reasons or otherwise. *See United States v. Roberts*, 612 F. Supp. 3d 351, 356–58 (S.D.N.Y. 2020).<sup>1</sup>

**The Court instead hereby directs the United States Attorney’s Office for the Southern District of New York forthwith to contact the BOP, to furnish a responsible official there with a copy of this order, and to convey the need for the BOP urgently to assure that Teman is examined by a specialist.** Because the Court understands that the Assistant United States Attorney assigned to this case is presently on trial, *see* Dkt. 420, the Court is also furnishing this order to Daniel Gitner, the Chief of the Criminal Division at the USAO.

The Court has separately personally contacted Adam Johnson, Esq., regional counsel for the BOP’s northeast region, who is known to the Court. Mr. Johnson has graciously volunteered to contact BOP authorities in Miami to convey this order—and the need for urgent action—to them. The Court is furnishing a copy of this order to Mr. Johnson to assist him in these efforts.

SO ORDERED.

  
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PAUL A. ENGELMAYER  
United States District Judge

Dated: February 27, 2024  
New York, New York

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<sup>1</sup> The Court has separately denied Teman’s motion for compassionate release. *See* Dkt. 414 (order of January 24, 2024). Teman’s motion for reconsideration of that decision is pending, Dkt. 417, and awaits the Government’s response. Dkt. 422.